

Amendments to the Drawings:

The attached replacement drawing sheets make changes to Figs. 2, 16 and 18 and replace the original sheets with Figs. 2, 16 and 18

Attachment: Replacement Sheets

REMARKS

Claims 1-36 are pending in this application. By this Amendment, Figs. 2, 16 and 18 are amended to obviate objections in the Office Action, as discussed below. No new matter is added.

The Office Action objects to claim 18. Fig. 16 is hereby amended to obviate the Office Action's objection. Support for the amendment to Fig. 16 may be found in original claim 18 and in p. 23, line 8 - p. 24, line 13, for example. Withdrawal of the objection to claim 16 is respectfully solicited.

The Office Action objects to claims 1, 4, 9, 19 and 22 regarding the phrase "situation detection device". In particular, the Office Action states that if the base station control device disclosed in Figs. 2 and 4, for example, is an example of the "situation detection device" recited in the claims, then "applicant is advised to either amend the specification, drawings, and the claim to clearly state so, or cancel the said feature from the claims." However, Applicants respectfully submit that Figs. 2 and 4 already clearly show a situation detection device, because they show the base station control device, which is a device that detects a situation. Applicants further submit that neither the Code of Federal Regulations nor the Manual of Patent Examination Procedure require that the drawings disclose the identical, verbatim term for a feature recited in the claims. See MPEP §608.02(d) (citing 37 CFR 1.83). Accordingly, Applicants respectfully request the withdrawal of the objection to claims 1, 4, 9, 19 and 22.

The Office Action objects to claim 4. Fig. 2 is amended to obviate the Office Action's objection. Support for the amendment to Fig. 2 may be found in original claim 4 and in p. 7, lines 19-25, for example. Withdrawal of the objection to claim 4 is respectfully solicited.

The Office Action objects to claim 12. Fig. 18 is amended to obviate the Office Action's objection. Support for the amendment to Fig. 18 may be found in original claim 12, and in p. 28, line 6 - p. 29 - 1, for example.

The Office Action rejects claims 1-36 under 35 U.S.C. §103(a) over Cao (U.S. 6,529,135) in view of Papadiaz (U.S. 6,907,252). This rejection is respectfully traversed.

The Office Action asserts that:

"It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Cao with Papadiaz so that the situation detection device is disposed in the dialogue place. One would have been motivated to make such combination because both Cao and Papadiaz disclose the need for detecting the presence of a mobile device in the proximity of a predetermined location, therefore the combination will yield a predictable result with reasonable expectation of success."

Further, the Office Action elaborates upon how one would have allegedly combined Cao with Papadiaz on p. 4 of the Office Action:

"Examiner respectfully disagrees as Papadiaz discloses using signals received by the base station to detect the location and movement of a mobile device, which is a mobile device location detection mechanism that is alternative to Cao's method of using GPS receivers. The two approaches serve the same purpose - to detect the geographical location of a device and its movement. Therefore, after the combination, Cao's GPS detection mechanism can be replaced by Papadiaz' base station detection mechanism." (emphasis added)

However, Applicants respectfully submit that such an alleged combination is improper. In particular, the GPS receiver in Cao works in a completely different way, and serves a completely different function, than the detector in Papadiaz, such that replacing one with the other would result in conflicts. For example, these are some of the differences between the detectors:

1. The user wireless module in Cao is carried by the user and tracks the user's location (see col. 5, line 11, for example), while the detector in Papadiaz is stationary and tracks whether users are in the vicinity of the detector's position (see col. 1, lines 25 and 64, for example);

2. the user wireless module in Cao determines the location of the user using GPS (see col. 5, lines 54 and 66, for example), while the detector in Papadiaz requires a base station 32 such as a tower (see Fig. 1), a mobile terminal 31 and an identification processor 34 (see Fig. 3), in order to determine whether users are in a predetermined vicinity;
3. the user wireless module in Cao outputs a position of the user (see col. 5, lines 50-51), while the detector in Papadiaz outputs a copy of a cell phone transmission signal (see col. 4, lines 17-19) and/or parameters representative of the cell phone signal envelope and of certain timing characteristics thereof (see col. 5, lines 8-10); and
4. the user wireless module in Cao uses GPS satellites (see col. 5, lines 54 and 66, for example) to determine its position and output the position to group location alert server 400 (see col. 6, lines 7-15, for example), while the detector in Papadiaz outputs to identification processor 34 (see Fig. 3 and col. 4, line 19, for example).

Thus, contrary to the assertion otherwise in the Office Action, the detector in Papadiaz is not an "alternative" to the user wireless module in Cao, the two devices do not "serve the same purpose", and Cao's GPS detection system cannot "be replaced by Papadiaz' station detection mechanism." Doing so would destroy the usefulness of either system, or any combination of the two, for at least the following reasons:

1. because the detector in Papadiaz is stationary, it cannot be used to track the location of moving users as required by Cao;
2. because the detector in Papadiaz also requires the use of a mobile terminal, a base station such as a tower, and an identification processor, it would not work in the system in Cao, which does not include these further devices;
3. because the detector in Papadiaz only outputs a copy of a cell phone transmission signal and/or parameters representative of the cell phone signal envelope and of certain timing characteristics thereof, while identification processor 34 identifies detected mobile terminals based on the data sent from the detector (see col. 4, line 59), the detector in Papadiaz cannot provide the location of the user, as required by the system in Cao; and
4. because the detector in Papadiaz is configured to communicate with identification processor 34 and not group location alert server 400, it would be unable to communicate the location of users to group location alert server 400 in Cao;

In addition to all of the above problems, the Office Action further asserts that the detector is located in the dialogue place (p. 8 states: "Papadiaz teaches a situation detection device that is disposed in the dialogue place"), where the dialogue place may be a library or a meeting room in a building (p. 7, citing Cao col. 7, lines 1-27). This further modification of

Cao, in addition to the replacement of the user wireless module with the detector in Papadias, creates even more conflicts.

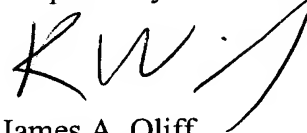
In particular, if the detector in Papadias is already placed in the reference point such as the library, then it makes no sense to use the matching module 420 in group location alert server 400, onto which the Office Action reads the "situation monitoring section" recited in claim 1. In addition to the numerous problems identified above, Cao discloses that matching module 420 calculates a distance between the user modules 200, 300 and compares them to a predetermined threshold range. See col. 6, lines 45-47. However, if the detectors are disposed in the dialogue place, as required by independent claims 1, 9, 19, and 27, and as asserted by the Office Action, then it makes no sense to calculate the distance between them. They would all be in the same place and the distance between them would all be substantially zero. Thus, if Cao and Papadias were combined as suggested by the Office Action, then the stated purpose of both Cao and Papadias of detecting the location of users would be utterly defeated, because their locations would already be known: the dialogue place.

In view of the above, Applicants respectfully submit that it would not have been obvious at the time of the invention to one of ordinary skill in the art to combine Cao with Papadias, and that the Office Action's alleged rationale for combining references is improper. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 1-36 under 35 U.S.C. §103(a).

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-36 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachment:

Replacement Drawing Sheets (Figs. 2, 16 and 18)
Petition for Extension of Time

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